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Fifty-first session
Item 17 of the provisional agenda

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Succession of States in respect of international human rights treaties

Report of the Secretary-General

Introduction

1. The Commission on Human Rights at its forty-ninth session adopted resolution 1993/23 of 5 March 1993, entitled "Succession of States in respect of international human rights treaties", in which it encouraged successor States to confirm officially that they continued to be bound by obligations under relevant international human rights treaties and urged those that had not yet done so to ratify or to accede to those international human rights treaties to which the predecessor States had not been parties. The Commission requested the Secretary-General to report to it at its fiftieth session in regard to action taken in respect of the succession or accession to international human rights treaties of successor States which were members of the United Nations. The report is contained in document E/CN.4/1994/68.

2. At its fiftieth session, the Commission adopted resolution 1994/16 of 25 February 1994, in which it emphasized the special nature of the treaties aimed at the protection of human rights and fundamental freedoms and reiterated its call to successor States which had not yet done so to confirm to appropriate depositaries that they continued to be bound by obligations under international human rights treaties. The Commission also requested the human rights treaty bodies to consider further the continuing applicability of the respective international human rights treaties to successor States, with the aim of assisting them in meeting their obligations. Additionally, it

requested the Secretary-General to encourage successor States to confirm their obligations under the international human rights treaties to which their predecessors were a party, as from the date of their independence and to report to the Commission at its fifty-first session on action taken in that respect. The present report is prepared pursuant to that request.

Measures undertaken by various treaty bodies

The Human Rights Committee

3. The Human Rights Committee, in its decision of 7 October 1992, by which it requested the Governments of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to submit a special report in respect of events - now coming under their jurisdiction - affecting human rights protected under the Covenant, emphasized that all the people within the territory of a new State that constituted a part of the former Yugoslavia were entitled to the guarantees of the Covenant.

4. Subsequently, at its forty-sixth session (October/November 1992), the Committee considered the special reports submitted by the three Governments. In its comments adopted at the end of the consideration of the report of Bosnia and Herzegovina, the Committee noted that by complying with the Committee's request to submit a report, and by sending a delegation before it, the Republic of Bosnia and Herzegovina had confirmed its succession to the obligations undertaken under the Covenant by the former Federal Socialist Republic of Yugoslavia in respect of the territory now forming part of the Republic of Bosnia and Herzegovina. It recommended that the Republic of Bosnia and Herzegovina formalize its succession to the Covenant by submitting the appropriate notification to the Secretary-General of the United Nations. Subsequently, on 1 September 1993, the instrument of succession to the Covenant of the Republic of Bosnia and Herzegovina, with effect from 6 March 1992 (date of its independence), was received by the Secretary-General. The instrument of succession to the Covenant of Croatia had been received on 12 October 1992, with effect from 8 October 1991 (date of its independence).

5. At its forty-seventh session (March/April 1993), the Committee, stated that all the people within the territory of a former State party to the Covenant remained entitled to the guarantees of the Covenant, and that, in particular, Armenia, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, the Former Yugoslav Republic of Macedonia, Turkmenistan and Uzbekistan were bound by the obligations under the Covenant as from the date of their independence. Consequently, it noted that reports under article 40 became due and requested, in notes verbales dated 28 May 1993 addressed to the Ministers for Foreign Affairs of those States, that such reports be submitted to it. No reports have been sent to the Committee in reply to that request. However, since the closure of the Committee's forty-seventh session, Armenia and Georgia have acceded to the Covenant, and the Former Yugoslav Republic of Macedonia have succeeded to it.

6. During its fifty-first session, the Human Rights Committee considered the initial report of Azerbaijan. In its comments, the Committee noted that "Azerbaijan had declared that it was bound by the Covenant through a

declaration of accession, though it would have been correct for it to have regarded itself as succeeding to the obligations of the Covenant as a member State of the former Soviet Union". The Committee added, however, that "the delegation of Azerbaijan, when addressing questions raised by members of the Committee, had not denied accountability for events that occurred in the country after the date of independence but before the date of accession".

Committee on the Elimination of Racial Discrimination

7. At its forty-second session (March 1993), the Committee on the Elimination of Racial Discrimination adopted General Recommendation XII (42), in which it encouraged successor States that had not yet done so to confirm to the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination, that they continued to be bound by obligations under that Convention, if predecessor States had been parties to it. The Committee, in the same recommendation, also invited successor States to accede to the Convention if predecessor States had not been parties to it.

8. In its Decision I (42) adopted at its forty-second session on 19 March 1993, the Committee requested the Government of Yugoslavia (Serbia and Montenegro), the Government of the Republic of Croatia and the Government of the Republic of Bosnia and Herzegovina to submit, in accordance with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, further information on the implementation of the Convention. The information received from the three Governments was considered by the Committee during its forty-third session. The Government of Bosnia and Herzegovina deposited its instrument of succession to the Convention with the Secretary-General on 16 July 1993.

9. On 25 May 1994, the Committee sent a communication to those States of the former Soviet Union which had not yet declared their adherence or succession to the Convention, namely Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Lithuania, Tajikistan, Turkmenistan and Uzbekistan. In that communication, the Committee recalled that the Union of Soviet Socialist Republics had been a State party to the Convention and that consequently the protection against racial discrimination had extended prior to the latter's dissolution to the inhabitants of the territory of the successor States. The Committee therefore invited the Governments of the above-mentioned States to make the appropriate notifications to the Secretary-General confirming the applicability of and compliance with the Convention's provisions. Following the transmittal of that communication, the Secretary-General received the instrument of accession of Turkmenistan on 29 September 1994.

Fifth meeting of persons chairing the human rights treaty bodies

10. During the 5th meeting of persons chairing the human rights treaty bodies, which was held from 19 to 23 September 1994, the question of State succession was discussed. The chairpersons noted with concern that a number of successor States to former States parties to the human rights treaties had not yet formally confirmed to the Secretary-General their succession. The chairpersons therefore urged all successor States that had not yet done so to confirm as soon as possible their succession to those treaties. They also

welcomed the initiatives taken by some of the treaty bodies to bring this matter to the urgent attention of successor States and encouraged the other treaty bodies to take similar initiatives. The chairpersons emphasized, however, that they were of the view that successor States were automatically bound by obligations under international human rights instruments from the respective date of independence and that observance of the obligations should not depend on a declaration of confirmation made by the Government of the successor State.

11. The status of succession, accession or ratification of human rights treaties by the new States successors to the former Yugoslavia, the former Soviet Union and the former Czechoslovakia is shown in the annex.

Annex

STATUS OF SUCCESSION, ACCESSION OR RATIFICATION OF HUMAN RIGHTS TREATIES BY STATES SUCCESSORS TO THE FORMER YUGOSLAVIA, THE FORMER SOVIET UNION AND THE FORMER CZECHOSLOVAKIA

1. International Covenant on Civil and Political Rights

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [s]
Croatia	12 October 1992 [s]
Slovenia	6 July 1992 [s]
The Former Republic of Macedonia	18 January 1994 [s]
Yugoslavia	2 June 1971
Armenia	23 June 1993 [a]
Azerbaijan	13 August 1992 [a]
Belarus	12 November 1973
Georgia	3 May 1994 [a]
Kazakhstan	-
Kyrgyzstan	7 October 1994 [a]
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	20 November 1991 [a]
Republic of Moldova	26 January 1993 [a]
Russian Federation	16 October 1973
Tajikistan	-
Turkmenistan	-
Ukraine	12 November 1973
Uzbekistan	-
Czech Republic	22 February 1993 [s]
Slovakia	28 May 1993 [s]

2. First Optional Protocol to the International Covenant on Civil and Political Rights

	Date of receipt of the instruments
Bosnia and Herzegovina	-
Croatia	-
Slovenia	16 July 1993 [a]
The Former Republic of Macedonia	-
Yugoslavia	-

Armenia	23 June 1993
Azerbaijan	13 August 1992 [a]
Belarus	30 September 1992 [a]
Georgia	3 May 1994 [a]
Kazakhstan	-
Kyrgyzstan	7 October 1994 [a]
Estonia	21 October 1991 [a]
Latvia	22 June 1992 [a]
Lithuania	20 November 1991 [a]
Republic of Moldova	-
Russian Federation	16 October 1973
Tajikistan	-
Turkmenistan	-
Ukraine	25 July 1991 [a]
Uzbekistan	-
Czech Republic	22 February 1993 [s]
Slovakia	28 May 1993 [s]

3. Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty

	Date of receipt of the instruments
Bosnia and Herzegovina	-
Croatia	-
Slovenia	10 July 1994
The Former Republic of Macedonia	-
Yugoslavia	-
Armenia	-
Azerbaijan	-
Belarus	-
Georgia	-
Kazakhstan	-
Kyrgyzstan	-
Estonia	-
Latvia	-
Lithuania	-
Republic of Moldova	-
Russian Federation	-
Tajikistan	-
Turkmenistan	-
Ukraine	-
Uzbekistan	-
Czech Republic	-
Slovakia	-

4. States which have made the declaration under article 41 of the Covenant on Civil and Political Rights

	Valid from	Valid until
Bosnia and Herzegovina	6 March 1992	indefinitely
Croatia	-	-
Slovenia	6 July 1992	indefinitely
The Former Republic of Macedonia	-	-
Yugoslavia	-	-
Armenia	-	-
Azerbaijan	-	-
Belarus	30 September 1992	indefinitely
Georgia	-	-
Kazakhstan	-	-
Kyrgyzstan	-	-
Estonia	-	-
Latvia	-	-
Lithuania	-	-
Republic of Moldova	-	-
Russian Federation	1 October 1991	indefinitely
Tajikistan	-	-
Turkmenistan	-	-
Ukraine	28 July 1992	-
Uzbekistan	-	-
Czech Republic	1 January 1993	indefinitely
Slovakia	1 January 1993	indefinitely

5. International Convention on the Elimination of All Forms of Racial Discrimination

	Date of receipt of the instruments
Bosnia and Herzegovina	16 July 1993 [5]
Croatia	12 October 1992 [5]
Slovenia	6 July 1992 [5]
The Former Republic of Macedonia	18 January 1994 [5]
Yugoslavia	2 October 1967
Armenia	23 June 1993 [a]
Azerbaijan	-
Belarus	8 April 1969
Georgia	-
Kazakhstan	-
Kyrgyzstan	-
Estonia	21 October 1991 [a]

Latvia	14 April 1992 [a]
Lithuania	-
Republic of Moldova	26 January 1993 [a]
Russian Federation	4 February 1969
Tajikistan	-
Turkmenistan	29 September 1994 [a]
Ukraine	7 March 1969
Uzbekistan	-
Czech Republic	22 February 1993 [b]
Slovakia	28 May 1993 [b]

6. States parties that have made the declaration under article 14, paragraph 1, of the Convention on the Elimination of All Forms of Racial Discrimination

	Date of deposit of the declaration
Bosnia and Herzegovina	-
Croatia	-
Slovenia	-
The Former Republic of Macedonia	-
Yugoslavia	-
Armenia	-
Azerbaijan	-
Belarus	-
Georgia	-
Kazakhstan	-
Kyrgyzstan	-
Estonia	-
Latvia	-
Lithuania	-
Republic of Moldova	-
Russian Federation	1 October 1991
Tajikistan	-
Turkmenistan	-
Ukraine	28 July 1992
Uzbekistan	-
Czech Republic	-
Slovakia	-

7. International Covenant on Economic, Social and Cultural Rights

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [b]
Croatia	12 October 1992 [b]

Slovenia	6 July 1992 [b]
The Former Republic of Macedonia	18 January 1994 [b]
Yugoslavia	2 June 1971
Armenia	13 September 1993 [a]
Azerbaijan	13 August 1992 [a]
Belarus	12 November 1973
Georgia	3 May 1994 [a]
Kazakhstan	-
Kyrgyzstan	7 October 1994 [a]
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	20 November 1991 [a]
Republic of Moldova	26 January 1993 [a]
Russian Federation	16 October 1973
Tajikistan	-
Turkmenistan	-
Ukraine	12 November 1973
Uzbekistan	-
Czech Republic	22 February 1993 [b]
Slovakia	28 May 1993 [b]

8. Convention on the Elimination of All Forms of Discrimination against Women

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [b]
Croatia	9 September 1992 [b]
Slovenia	6 July 1992 [b]
The Former Republic of Macedonia	18 January 1994 [b]
Yugoslavia	26 February 1982
Armenia	13 September 1993 [a]
Azerbaijan	-
Belarus	4 February 1981
Georgia	26 October 1994 [a]
Kazakhstan	-
Kyrgyzstan	-
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	18 January 1994 [a]
Republic of Moldova	1 July 1994 [a]
Russian Federation	23 January 1981
Tajikistan	26 October 1993 [a]
Turkmenistan	-

Ukraine	12 March 1981
Uzbekistan	-
Czech Republic	22 February 1993 [5]
Slovakia	28 May 1993 [5]

9. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [5]
Croatia	12 October 1992 [5]
Slovenia	16 July 1993 [5]
The Former Republic of Macedonia	-
Yugoslavia	10 September 1991
Armenia	13 September 1993 [a]
Azerbaijan	-
Belarus	13 March 1987
Georgia	26 October 1994 [a]
Kazakhstan	-
Kyrgyzstan	-
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	-
Republic of Moldova	-
Russian Federation	3 March 1987
Tajikistan	-
Turkmenistan	-
Ukraine	24 February 1987
Uzbekistan	-
Czech Republic	22 February 1993 [5]
Slovakia	28 May 1993 [5]

10. Convention on the Rights of the Child

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [5]
Croatia	12 October 1992 [5]
Slovenia	6 July 1992
The Former Republic of Macedonia	2 December 1993 [5]
Yugoslavia	3 January 1991

Armenia	23 June 1993 [a]
Azerbaijan	13 August 1992 [a]
Belarus	1 October 1990
Georgia	2 June 1994 [a]
Kazakhstan	12 August 1994 [a]
Kyrgyzstan	7 October 1994 [a]
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	31 January 1992 [a]
Republic of Moldova	26 January 1993 [a]
Russian Federation	16 August 1990
Tajikistan	26 October 1993 [a]
Turkmenistan	20 September 1993 [a]
Ukraine	28 August 1991
Uzbekistan	29 June 1994 [a]
Czech Republic	22 February 1993 [s]
Slovakia	28 May 1993 [s]

11. Convention on the Prevention and Punishment of the Crime of Genocide

	Date of receipt of the instruments
Bosnia and Herzegovina	29 December 1992 [s]
Croatia	12 October 1992 [s]
Slovenia	6 July 1992 [s]
The Former Republic of Macedonia	18 January 1994 [s]
Yugoslavia	29 August 1950
Armenia	23 June 1993 [a]
Azerbaijan	-
Belarus	11 August 1954
Georgia	11 October 1993 [a]
Kazakhstan	-
Kyrgyzstan	-
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	-
Republic of Moldova	26 January 1993 [a]
Russian Federation	3 May 1954
Tajikistan	-
Turkmenistan	-
Ukraine	15 November 1954
Uzbekistan	-
Czech Republic	22 February 1993 [s]
Slovakia	28 May 1993 [s]

12. Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [s]
Croatia	12 October 1992 [s]
Slovenia	6 July 1992 [s]
The Former Republic of Macedonia	18 January 1994 [s]
Yugoslavia	9 June 1970
Armenia	23 June 1993 [a]
Azerbaijan	-
Belarus	8 May 1969
Georgia	-
Kazakhstan	-
Kyrgyzstan	-
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	-
Republic of Moldova	26 January 1993 [a]
Russian Federation	22 April 1969
Tajikistan	-
Turkmenistan	-
Ukraine	19 June 1969
Uzbekistan	-
Czech Republic	22 February 1993 [s]
Slovakia	28 May 1993 [s]

13. International Convention on the Suppression and Punishment of the Crime of Apartheid

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [s]
Croatia	12 October 1992 [s]
Slovenia	6 July 1992 [s]
The Former Republic of Macedonia	18 January 1994 [s]
Yugoslavia	1 July 1975
Armenia	23 June 1993 [a]
Azerbaijan	-
Belarus	2 December 1975
Georgia	-
Kazakhstan	-
Kyrgyzstan	-

Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	-
Republic of Moldova	-
Russian Federation	26 November 1975
Tajikistan	-
Turkmenistan	-
Ukraine	10 November 1975
Uzbekistan	-
Czech Republic	22 February 1993 [s]
Slovakia	28 May 1993 [s]

14. International Convention against Apartheid in Sports

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [s]
Croatia	12 October 1992 [s]
Slovenia	-
The Former Republic of Macedonia	-
Yugoslavia	22 December 1989
Armenia	-
Azerbaijan	-
Belarus	1 July 1987
Georgia	-
Kazakhstan	-
Kyrgyzstan	-
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	-
Republic of Moldova	-
Russian Federation	11 June 1987
Tajikistan	-
Turkmenistan	-
Ukraine	19 June 1987
Uzbekistan	-
Czech Republic	22 February 1993 [s]
Slovakia	-

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a: accession
s: succession

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COMMISSION ON HUMAN RIGHTS
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EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

Inventory of all international human rights standard-setting activities

Report of the Secretary-General prepared in accordance with Commission on Human Rights resolution 1994/19

Introduction

1. In its resolution 1994/19, entitled "The effective functioning of bodies established pursuant to United Nations Human Rights Instruments", the Commission on Human Rights requested the Secretary-General to prepare an inventory of all international human rights standard-setting activities in order to facilitate better informed decision-making.

2. Since no single established procedure exists for the preparation of international instruments in the field of human rights 1/ and because the Commission on Human Rights has been explicit in requesting an inventory of all human rights standard-setting activities (emphasis added), the Secretary-General, in the preparation of this report, has made a particular effort to be as comprehensive as possible. The report is confined, however, to the work and activities that fall under the purview of the Commission on Human Rights.

1/ See United Nations Action in the Field of Human Rights (1988) (ST/HR/2/Rev.3), p. 310, para. 10.

GE.94-75098 (E)

3. The present report has been prepared in accordance with the above request. It consists of three parts: ongoing standard-setting activities by the Commission on Human Rights; standard-setting activities proposed by the Commission on Human Rights; standard-setting activities proposed or conducted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

I. STANDARD-SETTING ACTIVITIES ALREADY EMBARKED UPON BY THE COMMISSION ON HUMAN RIGHTS

Declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

4. By decision 1984/116 of 16 March 1984, the Commission on Human Rights decided to establish an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. This decision was approved by the Economic and Social Council in its decision 1985/152 of 30 May 1985. So far the Working Group has held nine sessions. At its last session in 1994, the report of which can be found in document E/CN.4/1994/81 and Corr.1, the Working Group decided to begin the second reading of the draft declaration. The first reading text of the draft declaration, as amended in the course of the second reading at the ninth session of the Working Group, may be found in annex I to the above-mentioned report.

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

5. By decision 1992/43 of 3 March 1992, the Commission on Human Rights decided to establish an open-ended inter-sessional working group of the Commission on Human Rights in order to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussion the draft text proposed by the Government of Costa Rica (see E/CN.4/1994/66) and to consider the implications of its adoption and the relationship between the draft optional protocol, regional instruments and the Committee against Torture. This decision was approved by the Economic and Social Council in its resolution 1992/6 of 20 July 1992. During its second session, in 1993, report of which can be found in document E/CN.4/1994/25 and Add.1, the Working Group considered the first reading of the draft optional protocol. The outcome of the first reading of articles 1-7 can be found in the annex to the above mentioned report.

Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography as well as the basic measures needed for their prevention and eradication

6. By its resolution 1994/90 of 9 March 1994, the Commission on Human Rights decided to establish an open-ended inter-sessional working group of the Commission on Human Rights responsible for elaborating, as a matter of priority and in close cooperation with the Special Rapporteur and the

Committee on the Rights of the Child, guidelines for a possible draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication. By resolution 1994/9 of 22 July 1994, the Economic and Social Council approved this decision. The first session of the working group took place from 14 to 25 November 1994.

Optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts

7. By its resolution 1994/91 of 9 March 1994, the Commission on Human Rights decided to establish an open-ended inter-sessional Working Group of the Commission on Human Rights to elaborate, as a matter of priority, a draft optional protocol to the Convention on the Rights of the Child using as one basis for its discussions the preliminary draft optional protocol submitted by the Committee on the Rights of the Child (E/CN.4/1994/91, annex). This decision was approved by the Economic and Social Council in its decision 1994/10 of 22 July 1994. The first session of the working group took place from 31 October to 11 November 1994.

II. STANDARD-SETTING ACTIVITIES PROPOSED BY THE COMMISSION ON HUMAN RIGHTS

Optional protocol to the International Covenant on Economic, Social and Cultural Rights granting the right of individuals or groups to submit communications concerning non-compliance with the Covenant

8. By its resolution 1994/20 of 1 March 1994, the Commission on Human Rights invited the Committee on Economic, Social and Cultural Rights to report to the Commission on Human Rights at its fifty-first session on the steps taken for the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights granting the right of individuals or groups to submit communications concerning non-compliance with the Covenant.

Draft declaration on indigenous people

9. By its resolution 1994/29 of 4 March 1994, the Commission on Human Rights urged the Sub-Commission to complete its consideration of the draft declaration and to submit to the Commission on Human Rights at its fifty-first session the draft declaration together with any recommendation thereon.

Basic principles and guidelines on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

10. By its resolution 1994/35 of 4 March 1994, the Commission on Human Rights recommended that the Sub-Commission take measures to examine the basic principles and guidelines proposed by the Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms with a view to making proposals thereon and report to the Commission.

Internally displaced persons

11. By its resolution 1994/68 of 9 March 1994, the Commission on Human Rights invited the representative of the Secretary-General on internally displaced persons to make suggestions and recommendations with regard to ways and means, including the institutional aspects, of providing adequate and effective protection of and assistance to internally displaced persons.

Draft principles and guidelines for the protection of the heritage of indigenous people

12. In its decision 1994/105 of 4 March 1994, the Commission on Human Rights decided to endorse the request of the Sub-Commission to the Special Rapporteur to expand her study on the protection of the cultural and intellectual property of indigenous people with a view to elaborating draft principles and guidelines for the protection of the heritage of the indigenous people and to submit a preliminary report to the Sub-Commission at its forty-sixth session.

Third optional protocol to the International Covenant on Civil and Political Rights on the right to a fair trial and a remedy

13. In its decision 1994/107 of 4 March 1994, the Commission on Human Rights decided to consider at its fifty-first session the final report of the Special Rapporteurs of the Sub-Commission on the right to a fair trial, including, if appropriate, the desirability of a third optional protocol to the International Covenant on Civil and Political Rights, aimed at guaranteeing under all circumstances the right to a fair trial and a remedy, taking into account the consideration of the Sub-Commission thereon at its forty-sixth session.

III. STANDARD-SETTING ACTIVITIES PROPOSED OR CONDUCTED BY THE SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Human rights and the environment

14. In its resolution 1994/27 of 26 August 1994 the Sub-Commission recommended to the Commission on Human Rights that a special rapporteur on human rights and the environment be appointed with a mandate, inter alia, to seek comments on the draft principles on human rights and the environment annexed to the final report of the Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1994/9) and to make recommendations regarding the draft.

Draft United Nations declaration on the rights of indigenous people

15. By its resolution 1994/45 of 26 August 1994, the Sub-Commission decided to adopt the draft United Nations declaration on the rights of indigenous people agreed upon by members of the Working Group on Indigenous Populations and to submit the draft declaration to the Commission on Human Rights at its fifty-first session with the request that it consider the draft as expeditiously as possible.

Declaration of Minimum Humanitarian Standards

16. By its resolution 1994/26 of 26 August 1994, the Sub-Commission, having considered at its forty-third session the Declaration of Minimum Humanitarian Standards, adopted by a group of experts at a meeting in Turku (Abo) Finland, in December 1990, (E/CN.4/Sub.2/1991/55), decided to transmit the text of the Declaration of Minimum Humanitarian Standards to the Commission on Human Rights and recommended that the Commission examine the Declaration with a view to its further elaboration and eventual adoption.

Basic principles and guidelines on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

17. By its decision 1994/104 of 2 August 1994, the Sub-Commission decided to establish a sessional working group on the administration of justice and the question of compensation. The working group, inter alia, discussed the principles and guidelines proposed by the Special Rapporteur (E/CN.4/Sub.2/1993/8).

18. By its resolution 1994/33 of 2o August 1994, the Sub-Commission decided to continue at its forty-seventh session the consideration of the basic principles and guidelines proposed by the Special Rapporteur in his study on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms with a view to making substantive progress in the matter.

Third optional protocol to the International Covenant on Civil and Political Rights on the right to a fair trial and a remedy

19. By its resolution 1994/35 of 26 August 1994, the Sub-Commission endorsed the useful summary of norms and interpretations embodied in the draft body of principles on the right to a fair trial and a remedy (E/CN.4/Sub.2/1994/24, annex II) and believed it beneficial to consider the draft body of principles. It recommended to the Commission on Human Rights to consider at its fifty-second session the establishment of an open-ended working group to draft a third optional protocol to the International Covenant on Civil and Political Rights aiming at guaranteeing under all circumstances the right to a fair trial and a remedy.

Draft international convention on housing rights

20. In its resolution 1994/38 of 26 August 1994, the Sub-Commission took note with interest of the draft international convention on housing rights contained in the second progress report of the Special Rapporteur on the right to adequate housing (E/CN.4/Sub.2/1994/20), and invited States, United Nations specialized and other agencies, international and regional intergovernmental organizations, and non-governmental and community-based organizations to provide the Special Rapporteur with their views and comments on all aspects of the right to adequate housing, in particular the draft international convention on housing rights, for consideration in the preparation of his final report.

Guidelines on international events and forced evictions

21. By its resolution 1994/39 of 26 August 1994, the Sub-Commission requested the Secretary-General in accordance with paragraph 172 of his analytical report (E/CN.4/1994/20), to prepare a series of guidelines on international events and forced evictions.

Convention on the Prevention and Punishment of the Crime of Genocide, drafting and adoption of a control mechanism in the form of a treaty committee

22. By its resolution 1994/11 of 25 August 1994, the Sub-Commission recommended that the Commission on Human Rights request the General Assembly to consider with high priority, with a view to its adoption, the draft statute for an international criminal court that had been submitted to it by the International Law Commission aiming in particular at the punishment of genocide. In the same resolution, it requested the States parties to the Convention on the Prevention and Punishment of the Crime of Genocide, by virtue of the faculty granted to them by article VIII of the Convention on the Prevention and Punishment of the Crime of Genocide, to encourage - or even undertake - the drafting and adoption of a control mechanism in the form of a treaty committee charged in particular with monitoring compliance of States parties with the commitments which they undertook in accordance with article V of the Convention, through the assessment of the reports submitted by the States parties. Also in the same resolution, the Sub-Commission decided to examine the conditions under which the Convention could be improved by including a clause concerning universal jurisdiction in order to take into account the international character of this crime and also to study the possibility of extending its application, which has until now been limited to ethnic, racial or religious genocide, to political genocide.